

**UNITED STATES DISTRICT COURT
For the Northern District of California**

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UNITED STATES DISTRICT COURT
Northern District of California
San Francisco Division

11 IN RE SUBPOENAS SERVED ON XILINX,
12 INC.,
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15 _____/ **ORDER (1) STRIKING CALTECH'S
OPPOSITION TO XILINX'S MOTION
TO QUASH THAT WAS DENIED
WITHOUT PREJUDICE AND (2)
DENYING CALTECH'S
ADMINISTRATIVE MOTION FOR
LEAVE TO FILE UNDER SEAL**

16 The district court referred Xilinx, Inc.’s (“Xilinx”) motion to quash (and all other discovery
17 disputes in this action), which was electronically filed on September 26, 2014, to the undersigned.
18 The motion related to an action that Plaintiff The California Institute of Technology (“CalTech”) has
19 brought against Defendant Hughes Communications, Inc. in the United States District Court for the
20 Central District of California. *See The California Institute of Technology v. Hughes*
21 *Communications, Inc.*, No. 2:13-cv-07245 (C.D. Cal. Oct. 1, 2013).

22 In its October 3, 2014 order, the court denied without prejudice Xilinx’s motion to quash.
23 10/3/2014 Order, ECF No. 5. The court further directed Xilinx and CalTech to comply with the
24 procedures for addressing discovery disputes set forth in the court’s standing order (which was
25 attached to the October 3, 2014 Order). The court noted that those procedures require, among other
26 things, that if a meet-and-confer by other means does not resolve the parties’ dispute, lead counsel
27 for the parties must meet and confer in person. If that procedure does not resolve the disagreement,
28 the parties must file a joint letter brief instead of a formal motion. The letter brief must be filed

1 under the Civil Events category of “Motions and Related Filings > Motions – General > Discovery
2 Letter Brief.” After reviewing the joint letter, the court stated that it would evaluate whether further
3 proceedings are necessary, including any further briefing or argument.

4 Despite the court’s denial of Xilinx’s motion and its directives about following the standing
5 order, on October 10, 2014 CalTech filed an opposition to Xilinx’s denied motion. Opposition, ECF
6 No. 7. It also filed an administrative motion to file under seal certain documents related to its
7 opposition. Administrative Motion, ECF No. 8. Given that the court already denied Xilinx’s motion
8 to quash, the court strikes CalTech’s opposition as impertinent. Instead, the court once again directs
9 Xilinx and CalTech to follow the procedures for resolving discovery disputes that are set forth in the
10 undersigned’s standing order. The court also denies CalTech’s administrative motion to file under
11 seal. If the parties do not resolve their dispute during the required meet-and-confer and they file a
12 joint discovery dispute letter, they may seek leave to file documents under seal at that time.

13 **IT IS SO ORDERED.**

14 Dated: October 16, 2014



15 LAUREL BEELER
16 United States Magistrate Judge

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